

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|-------------------------|---|----------------------------|
| Jeremy Brown, |) | |
| |) | |
| <i>Plaintiffs</i> |) | 14-CV-175 |
| |) | |
| -vs- |) | (Judge Tharp) |
| |) | |
| County of Cook, et al., |) | (Magistrate Judge Gilbert) |
| |) | |
| <i>Defendants</i> |) | |

MOTION TO QUASH DEPOSITION SUBPOENA

Jacqueline Brown, by counsel, moves the Court to quash the subpoena to testify at a deposition served on her by defense counsel in this case.

Grounds for this motion are as follows:

1. Jacqueline Brown is the spouse of plaintiff Jeremy Brown.
2. Paragraph 14 and 16 of Mr. Brown's amended complaint (ECF

#14) allege as follows:

14. On March 2, 2012, while off-duty, plaintiff was involved in a domestic disturbance. Plaintiff denies involvement in any domestic disturbances.

16. The individual who reported the alleged domestic disturbance attempted to withdraw her report on multiple occasions.

3. Defense counsel has served a deposition subpoena on Ms.

Brown directing her to appear at a deposition. Ms. Brown believes that

defense counsel seeks to interrogate her about the matters alleged in paragraphs 14 and 16 of the amended complaint.

4. Ms. Brown hereby invokes the marital testimonial privilege, which affords her “a privilege to refuse to testify adversely” to her spouse. *Trammel v. United States*, 445 U.S. 40, 53 (1980).

It is therefore respectfully requested that the Court quash the deposition subpoena issued to Jacqueline Brown.

Respectfully submitted,

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
ARDC No. 08830399
Joel A. Flaxman
200 S Michigan Ave, Ste 201
Chicago, IL 60604
(312) 427-3200

Attorneys for Jacqueline Brown